

Procedures to follow when applying for a VARIANCE

NO APPLICATIONS WILL BE ACCEPTED BY THE PLANNING DEPARTMENT UNTIL ALL OF THE ITEMS BELOW ARE COMPLETED BY THE APPLICANT

A VARIANCE IS AN EXCEPTION FROM ZONING REGULATIONS WHICH MAY BE GRANTED BY THE BOARD OF APPEALS WHERE:

(All conditions must apply in each case)

1. Owing to special circumstances related to soil conditions, shape or topography of the land or structures, especially affecting such parcels or buildings but not affecting generally the zoning district in which it is located. A literal enforcement of provision of the law would involve substantial hardship, financial and otherwise to the applicant.
2. Such a variance may be granted without deviation from the intent or purpose of the Zoning Ordinance and without substantial detriment to the public good.
3. Such a variance does not authorize any use or activity which is not otherwise permitted in the district in which the land or structure is located.

THE FOLLOWING STEPS MUST BE FOLLOWED FOR ANY PETITION BEFORE THE BOARD OF APPEALS:

1. Establish the fact that a variance is required. Take time to talk to someone in the Planning or Building Department.
2. Obtain an application (attached) from the Planning Department.
3. Obtain one (1) copy of the Assessor's Map of the property for purpose of context and location. Outline your property in red. Map is to be a full sized map - no reductions or partial copies.
4. Provide a plot plan showing proposed and existing structures with accurate dimensions.
5. Answer *all* questions on the application form. Be sure to include requested deed information.
6. If the applicant is not the owner indicated on the City of Chicopee Assessor's Tax maps then documentation shall be provided proving the applicant is in fact the owner or the current owner must sign the application or provide proof of awareness of the application. Proof can be in the form of a signed purchase and sale agreement contingent upon approval of said application. All signatures must be original, copies are not acceptable.
7. Bring the completed application to the City Clerk's Office to be stamped in by their office.
8. Pay filing fee at the Planning Department (cash or checks accepted). Any checks should be made payable to the City of Chicopee. No applications will be placed on a public hearing agenda until fee is paid.
9. Bring application, filing fee, assessor's map, plot plan and any other information to the Planning Department.

After all these steps have been completed, a public hearing will be scheduled. At the public hearing you or your agent will be required to appear and present your case.

The Board of Appeals has fourteen (14) days after the public hearing to file a decision with the City Clerk.

An appeal may be taken to the Superior Court or to the Housing Court within twenty (20) days after the decision has been filed with the City Clerk. The petitioner or any interested party may appeal the decision of the Board of Appeals.

If the creation of a new lot line is involved, a surveyed plan must be submitted to the Planning Board for endorsement then recorded at the Hampden County Registry of Deeds, i.e., an ANR Plan (Subdivision Approval Not Required). The Planning Department can explain this procedure and supply the appropriate application form.